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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,015	11/07/2001	Atsushi Hatabu	Q67046	4594

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/986,015		HATABU, ATSUSHI	
	Examiner		Art Unit	
	Gelek Topgyal		2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-12, 13/8-13/10, 13/12, 14/8-14/10, 14/12, 15/1-15/5, and 15/8-15/12**

are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. **Claims 1-7** provide for the method for editing moving pictures, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a method without any active, positive steps delimiting how this use is actually practiced.

4. **Claim 8** recites the limitations "...the minimum value of the difference..." in page 86, lines 6-7, and "...editing of the subject frame." in page 86, line 16. There are insufficient antecedent bases for these limitations in the claim.

5. **Claim 9** recites the limitations "...the picture difference coded data..." and in page 86, line 27 and "...the subject frame." in page 87, line 1. There are insufficient antecedent bases for these limitations in the claim.

6. **Claim 10** recites the limitation "...the coded data..." in page 87, line 24. There is insufficient antecedent basis for this limitation in the claim.

7. **Claim 11** recites the limitation "...the picture difference coder to code the picture difference coded data after editing..." in page 89, lines 14-16. There is insufficient antecedent basis for this limitation in the claim.

8. **Claim 12** recites the limitation "...the minimum value of the difference..." in the paragraph connecting pages 89 and 90. There is insufficient antecedent basis for this limitation in the claim.

The examiner suggests to the applicant that any amendments made to the rejected system claims 8-12 be reflected on any amendment made to the rejected method claims 1-5.

Claims 13/8-13/10 and 13/12 depend on claims 8-10, and 12, respectively, and are therefore rejected for the reasons discussed in claims 8-10, or 12 above.

Claims 14/8-14/10 and 14/12 depend on claims 8-10, and 12, respectively, and are therefore rejected for the reasons discussed in claims 8-10, or 12 above.

Claims 15/1-15/5 and 15/8-15/12 recites a storing medium for realizing the functions set forth in the preceding claims 1-5, and 8-12, respectively, and therefore, are rejected for the same reasons discussed above.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. **Claim 15/1-15/5, and 15/8-15/12** are rejected under 35 U.S.C. 101 because claims are directed to an information storage medium.

When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

It is suggested by the examiner to change "storing medium" to a "computer readable medium" to overcome the 35 U.S.C 101 rejection.

Allowable Subject Matter

11. **Claims 8, and 10-12** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

12. The following is an examiner's statement of reasons for allowance: The present invention is directed to a moving picture editing method for editing compression coded moving picture by utilizing inter-frame prediction based on motion compensation.

13. **Independent claim 8** identifies the uniquely distinct features for "a controller for controlling, if one or two reference frames utilized for motion compensation of a picture frame, constituting a part of the moving picture before editing and not deleted in edition so as to constitute part of the moving picture after edition, is subject to error generation in processing although not subject to lack in edition, the motion vector searcher to search for the motion vector after editing of the subject frame". The closest prior art, Feder et al. (US 6,300,973), Wee et al. (6,104,441) and Takahashi (US 5,912,709)

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disclose systems for editing compressed video (inter-frame) using motion compensation, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

14. **Independent claim 10** identifies the uniquely distinct features for “a controller functioning such that, if one or two reference frames utilized for motion compensation of a subject frame, constituting a part of the moving picture before editing and not deleted in edition so as to constitute a part of the moving picture after editing, is subject to error generation in processing although not subject to lack in edition, and also if either one of the reference frames meets at least a condition that error generation in it takes place as a result of re-encoding in edition or a condition that the coded data and the motion vector are changed in edition such that the number of macroblocks having difference between motion vector before editing and motion vector after editing exceed a predetermined threshold number, it controls the motion vector searcher to search for the motion vector after editing of the subject frame and the counter to count the number of macroblocks having difference between motion vector before editing and motion vector after editing”. The closest prior art, Feder et al. (US 6,300,973), Wee et al. (6,104,441) and Takahashi (US 5,912,709) disclose systems for editing compressed video (inter-frame) using motion compensation, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

15. **Independent claim 11** identifies the uniquely distinct features for “a controller functioning such that, if one or two reference frames utilized for motion compensation of a subject frame, constituting a part of the moving picture before editing and not deleted

in edition so as to constitute a part of the moving picture after editing, is subject to error generation in processing although not subject to lack in edition, and also if either one of the reference frames meets at least a condition that error generation in it takes place as a result of re-encoding in edition or a condition that the coded data is changed in edition and the picture difference is re-encoded such that the number of macroblocks having difference between picture difference coded data after editing and picture difference coded data before editing exceed a predetermined threshold number, it controls the motion compensator to obtain the motion vector after editing of the subject frame, the subtracter to subtract the motion compensated picture after editing from the decoded data before editing of the subject frame, the picture difference coder to code the picture difference coded data after editing, variable length coder to code the coded data after editing of the subject frame, and the counter to count the number of macroblocks having difference between picture difference coded data after editing and picture difference coded data before editing". The closest prior art, Feder et al. (US 6,300,973), Wee et al. (6,104,441) and Takahashi (US 5,912,709) disclose systems for editing compressed video (inter-frame) using motion compensation, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

16. **Independent claim 12** identifies the uniquely distinct features for "a controller functioning such that: if one or two reference frames utilized for motion compensation of a subject frame, constituting a part of the moving picture before editing and not deleted in edition so as to constitute a part of the moving picture after editing, is subject to error generation in processing although not subject to lack in edition, and also if either one of

the reference frames meets a condition that the coded data and the motion vector are changed in edition, such that the number of macroblocks having difference between motion vector before editing and motion vector after editing exceed a predetermined threshold number, and also meets at least a condition that the coded data is not changed in edition, a condition that the picture difference is not re-encoded in edition, although the coded data is changed therein, or a condition that, although change in the coded data and re-encoding of the picture difference have taken place in edition, the number of macroblocks having difference between picture difference coded data after editing and picture difference coded data before editing is less than a predetermined threshold number, it controls the motion vector searcher to search the motion vector after editing of the subject frame and also control the first counter to count the number of macroblocks having difference between the motion vector before editing of the subject frame and the motion vector after editing thereof". The closest prior art, Feder et al. (US 6,300,973), Wee et al. (6,104,441) and Takahashi (US 5,912,709) disclose systems for editing compressed video (inter-frame) using motion compensation, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

17. **Claims 9, 13, 14, and 15/8-12** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

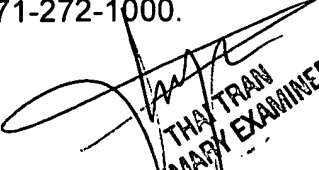
18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to methods and systems for decoding and coding for motion compensated inter frames.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


THAI TRAN
PRIMARY EXAMINER